

House File 2465 - Introduced

HOUSE FILE 2465

BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HF 2371)

(SUCCESSOR TO HSB 595)

A BILL FOR

1 An Act relating to the dissemination of information, by
2 establishing a mass notification and emergency messaging
3 system fund, and providing that specified information
4 collected by state departments and agencies for public
5 dissemination of emergency or routine information are
6 considered confidential public records.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. LEGISLATIVE INTENT. It is the intent of the
2 general assembly, in recognition of the establishment of the
3 mass notification and emergency messaging system fund in Code
4 section 29C.17A, and in further recognition of the vital
5 importance of creating and adequately funding a system for
6 providing mass notification and emergency messaging services to
7 the citizens of the state of Iowa, that the mass notification
8 and emergency messaging system fund receive an annual
9 appropriation to ensure that the system functions throughout
10 the state on an ongoing basis.

11 Sec. 2. Section 22.7, subsection 67, Code 2014, is amended
12 to read as follows:

13 67. Electronic mail addresses of individuals or phone
14 numbers of individuals, and personally identifiable information
15 about those individuals, collected by state departments and
16 agencies for the sole purpose of disseminating emergency
17 or routine information and notices through electronic
18 communications that are not prepared for a specific recipient.

19 Sec. 3. Section 29C.2, Code 2014, is amended by adding the
20 following new subsection:

21 NEW SUBSECTION. 6A. *"Mass notification and emergency*
22 *messaging system"* means a system which disseminates emergency
23 and public safety related information to the public by
24 various means including but not limited to telephone,
25 wireless communications service, dual party relay service or
26 telecommunications device, text messaging, electronic mail,
27 and facsimile, and which integrates with federal emergency
28 messaging systems.

29 Sec. 4. NEW SECTION. 29C.17A **Mass notification and**
30 **emergency messaging system fund.**

31 1. A mass notification and emergency messaging system fund
32 is created in the state treasury under the control of the
33 department. The fund shall consist of moneys appropriated
34 by the general assembly and any other moneys available to
35 and obtained or accepted by the department for placement

1 in the fund. Notwithstanding section 12C.7, interest or
2 earnings on moneys in the fund shall be credited to the fund.
3 Notwithstanding section 8.33, moneys credited to the fund that
4 remain unexpended or unobligated at the end of a fiscal year
5 shall not revert to any other fund.

6 2. Amounts contained in the fund shall be used exclusively
7 to provide for the purchase and ongoing operation of a system
8 capable of providing mass notification and emergency messaging
9 to the public. The system shall be purchased from a vendor
10 selected by the department pursuant to a competitive bidding
11 process, and shall, once purchased, be under the control of the
12 department.

13 3. Information disseminated to the public through the mass
14 notification and emergency messaging system shall be limited
15 to imminent emergency and public safety-related issues. The
16 department may provide access to the system for use at the
17 county and local level. Access by a county or local government
18 shall be at the department's sole discretion, and if approved
19 by the department, shall be under the control of the local
20 commission. The commission shall establish an operational plan
21 and procedure which meets standards adopted by the department
22 by rule, and shall submit the operational plan and procedure
23 for approval by the department prior to access being granted.
24 Additional access criteria and procedures for administering
25 the fund shall be established by the department by rule. The
26 director may employ such additional staff as may be necessary
27 to administer this section.

28 4. All personal information collected for use in the mass
29 notification and emergency messaging system, including but
30 not limited to the names and contact information of emergency
31 messaging recipients, shall be considered confidential records
32 under section 22.7. The director may, however, provide all
33 or part of such confidential information to state or local
34 governmental agencies possessing emergency planning or response
35 functions if the director is satisfied that the need to know

1 the information and its intended use are reasonable. An agency
2 receiving confidential information pursuant to this subsection
3 shall not disseminate the information in any form without
4 prior approval by the director. The release of confidential
5 information by the department, a county or local government, or
6 a state or local governmental agency other than as authorized
7 pursuant to this section, and the sale of such confidential
8 information, is strictly prohibited.

9

EXPLANATION

10 The inclusion of this explanation does not constitute agreement with
11 the explanation's substance by the members of the general assembly.

12 This bill establishes a mass notification and emergency
13 messaging system fund.

14 The bill defines "mass notification and emergency messaging
15 system" to mean a system which disseminates emergency
16 and public safety related information to the public by
17 various means including but not limited to telephone,
18 wireless communications service, dual party relay service or
19 telecommunications device, text messaging, electronic mail,
20 and facsimile, and which integrates with federal emergency
21 messaging systems.

22 The bill commences with a session law provision expressing
23 the legislative intent that the mass notification and emergency
24 messaging system fund receive an annual appropriation to ensure
25 that the system functions throughout the state on an ongoing
26 basis.

27 The bill creates the fund in the state treasury under the
28 control of the department, consisting of moneys appropriated
29 by the general assembly and any other moneys available to and
30 obtained or accepted by the department for placement in the
31 fund. The bill provides that, notwithstanding Code section
32 12C.7, interest or earnings on moneys in the fund shall be
33 credited to the fund, and that, notwithstanding Code section
34 8.33, moneys credited to the fund that remain unexpended or
35 unobligated at the end of a fiscal year shall not revert to any

1 other fund.

2 The bill provides that amounts contained in the fund shall
3 be used exclusively to provide for the purchase and ongoing
4 operation of a system capable of providing mass notification
5 and emergency messaging to the public. The system shall be
6 purchased from a vendor selected by the department pursuant to
7 a competitive bidding process, and shall, once purchased, be
8 under the control of the department.

9 The bill specifies that information disseminated to the
10 public through the mass notification and emergency messaging
11 system shall be limited to imminent emergency and public
12 safety-related issues.

13 The bill authorizes the department to provide access to
14 the system for use at the county and local level. Access
15 by a county or local government shall be at the department's
16 sole discretion, and if approved by the department, shall be
17 under the control of the local emergency management commission
18 or joint emergency management commission. The bill states
19 that such commission shall establish an operational plan and
20 procedure which meets standards adopted by the department by
21 rule, and shall submit the operational plan and procedure for
22 approval by the department prior to access being granted.
23 Additional access criteria and procedures for administering the
24 fund are to be established by the department by rule, and the
25 director is authorized to employ such additional staff as may
26 be necessary to administer and operate the system.

27 The bill provides that all personal information collected
28 for use in the system, including but not limited to the names
29 and contact information of emergency messaging recipients,
30 shall be considered confidential records under Code section
31 22.7. The bill authorizes the director, however, to provide
32 all or part of such confidential information to state or local
33 governmental agencies possessing emergency planning or response
34 functions if the director is satisfied that the need to know
35 the information and its intended use are reasonable. The

1 bill states that an agency receiving confidential information
2 pursuant to this exception shall not disseminate the
3 information in any form without prior approval by the director.

4 Additionally, the bill provides that the release of
5 confidential information by the department, a county or local
6 government, or a state or local governmental agency other than
7 as authorized pursuant to the bill's provisions, and the sale
8 of such confidential information, is strictly prohibited.

9 Further, the bill amends provisions contained in Code
10 section 22.7 which currently provide that electronic mail
11 addresses of individuals collected by state departments
12 and agencies for the sole purpose of disseminating routine
13 information and notices through electronic communications that
14 are not prepared for a specific recipient shall be regarded as
15 confidential. The bill modifies this provision to add that
16 phone numbers of and personally identifiable information about
17 individuals, collected by state departments and agencies,
18 shall similarly be considered confidential, as such personal
19 information relates to both the dissemination of emergency and
20 routine information.